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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,740	03/31/2004	Jonathan Hitt	00655P1240US	5139
	7590 07/11/2007 LIPS, KATZ, CLARK & MORTIMER ISON STREET		EXAMINER	
500 W. MADISON STREET			DUONG, THO V	
	SUITE 3800 CHICAGO, IL 60661		ART UNIT	PAPER NUMBER
,		3744		
	•		MAIL DATE	DELIVERY MODE
		,	07/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/813,740	HITT ET AL.
Office Action Summary	Examiner	Art Unit
	Tho v. Duong	3744
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period versility to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATIO 36(a). In no event, however, may a reply be till apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE.	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).
Status		
 1) Responsive to communication(s) filed on <u>06 Al</u> 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E 	action is non-final. nce except for formal matters, pr	
Disposition of Claims		
 4) Claim(s) 3,5,6 and 13-33 is/are pending in the 4a) Of the above claim(s) 3,5,26-29 and 31-33 5) Claim(s) is/are allowed. 6) Claim(s) 6,13-16,18,22-24 and 30 is/are rejected. 7) Claim(s) 17,19-21 and 25 is/are objected to. 8) Claim(s) are subject to restriction and/o 	is/are withdrawn from considera	tion.
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and all accomposed are specified and any objection to the Replacement drawing sheet(s) including the correct and the specified are specified as a specified are specified	epted or b) objected to by the drawing(s) be held in abeyance. Setion is required if the drawing(s) is ob	e 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receiv u (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail D 5) Notice of Informal 6) Other:	Date

U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06)

DETAILED ACTION

Receipt of applicant's amendment filed 4/6/07 is acknowledged. Claims 3,5-6, 13-33 are pending. Claims 3,5,26-29 and 31-33 remain withdrawn from further consideration.

Applicant is reminded to correct the claims status identifier of claims 3,5,26-29 and 31-33 to include "Withdrawn" status.

Response to Arguments

Applicant's arguments filed 4/6/07 have been fully considered but they are not persuasive. Applicant's argument that reference to Christen fails to disclose an arm of one angle ember being slidable within an arm of the other angle member, has been very carefully considered but not found to be persuasive. Christen discloses (figures 7-9) that an extension (96) of one arm is received within the other arm (90B or 92B) and is slidable along the length of the arms (prior the arm has been locked by locks 98).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6,13-15 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Christensen (US 6,029,345). Christensen discloses (figures 7-10) a frame for mounting at least one heat exchanger in a vehicle comprising a longitudinal side and a transverse side (90,92,94); at least one of the sides being adjustable in length in the direction of the side; fasteners (126,128,130,132) on the sides adapted to fasten to at least one heat exchanger between the

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sides; supports (110,124)) on the transverse side adapted to secure to a vehicle to support the frame therein; a first angle member having a pair of arms (92A,94A) oriented in an L; a second angle frame member having a pair of arms (92B, 94B) oriented in an L; wherein an arm (92A) which including an extension (96) of the first angle frame member is slidable within and along an arm of the second angle frame member to a plurality of different positions along the arm (92B) to adjustably secure the arms together along their length to define the adjustable side; and a locking member (98) for securing the extension of one arm to the other arm in a selected position. Christensen further discloses a third angle frame member having a pair of arms (90A, 94A) oriented in an L; a fourth angle frame member having a pair of arms (90B,94B) oriented in an L; wherein an arm (90A) including an extension (96) of the third angle frame member is slidable within and along an arm (90B) of the fourth angle frame member to a plurality of different positions along the arm of the fourth angle frame member to adjustably secure the arms together along their lengths.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen in view of Olson (US 5,360,059). Christensen substantially discloses all of applicant's claimed invention as discussed above except for the limitation of an angle crosspiece

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between the L-oriented pair of arms. Olson discloses (figure 1) a frame for mounting a heat exchanger wherein the frame has an angle crosspiece (58) between the L-oriented pair of arms for a purpose of providing a gusset to reinforce the frame structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Olson's teaching in Christensen's frame for a purpose of providing a gusset to reinforce the frame structure.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen in view of Koyama (US 2003/0085027A). Christensen substantially discloses all of applicant's claimed invention as discussed above except for the limitation that there are at least two heat exchangers with headers on top and bottom fastened to the frame. Koyama discloses (figure 1 and paragraphs 33-35) discloses a heat exchanging system that has a frame (1) and two heat exchangers (11,13), wherein each heat exchanger has a header (11c,a, 13a,13b) on top and bottom and wherein the two heat exchangers are fastened to the frame (1) for a purpose of forming a compact heat exchanger system that has at least two heat exchangers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Koyama's teaching in Christensen's system for a purpose of forming a compact heat exchanger system that has at least two heat exchangers.

Allowable Subject Matter

Claims 17,19-21 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tyler J. Cheryl can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tho v Duong

Primary Examiner

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TD July 3, 2007